



Appeal Decision

Site visit made on 1 February 2021

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 February 2021

Appeal Ref: APP/U3935/W/20/3262069

Parcel Of Land At Bottom Of Strouds Hill, Chiseldon, Swindon SN4 0NH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Jeff Hannath against Swindon Borough Council.
 - The application Ref S/20/0713/PEKO, is dated 11 June 2020.
 - The development proposed is erection of 2 bed detached dwelling.
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Decision

1. The appeal is dismissed and planning permission for the erection of a 2 bed detached dwelling is refused.

Main Issues

2. No decision has been issued by the Council in response to the planning application and there is no indication as to whether it would have approved or refused planning permission if the appeal had not been lodged. However, in light of the appeal submissions, I consider the main issues are (i) whether the proposal would be in a suitable location having regard to development plan policies, (ii) whether it would preserve or enhance the landscape and scenic beauty of the North Wessex Down Area of Outstanding Natural Beauty (the AONB), and (iii) whether it would preserve or enhance the character and appearance of the Chiseldon Conservation Area (the CA) having regard to the effect on the setting and significance of 4 to 8 Strouds Hill (Nos 4 to 8).

Reasons

Suitability of location

3. Under policy SD2 of the Swindon Borough Local Plan 2015 (LP), development outside of Swindon and rural settlement boundaries is only expressly permitted in certain circumstances. While it may have previously contained at least one dwelling, the appeal site lies outside the Chiseldon settlement boundary as defined in the LP. No evidence has been provided to demonstrate the proposal would comply with any of the permissible categories of development as set out in LP policy SD2. Therefore, I conclude it would not be in a suitable location having regard to development plan policies.

Effect on the AONB

4. Chiseldon as a whole lies in the AONB. The small garage on the site is single storey and it allows views from the adjacent road and footpaths of an attractive

wooded area to the rear. The proposed house would be taller, wider and deeper than the garage and so it would markedly reduce the space on the site. Also, by reason of its greater size, it would obscure more views than the garage of the wood. From the footpaths to the rear, the house would be seen on higher land and appear as a significantly more dominant man-made feature than the garage. The development would not result in the direct loss of any trees but through a combination of the above effects, it would diminish the natural qualities of the site and views into and from the AONB.

5. For these reasons, the proposal would not preserve or enhance the landscape and scenic beauty of the AONB. In this regard, it would not accord with LP policy EN5 which, amongst other things, seeks to avoid unacceptable impacts on the landscape.

Effect on the CA and Nos 4 to 8

6. The CA covers part of the built up area of Chiseldon as well as the wood behind the site. Its significance lies with the age and architectural interest of some of the buildings and large number of trees and open spaces that create a pleasant vegetated environment. Nos 4 to 8 are close to the site and are a line of former railway dwellings that now face the road. They are identified on a plan of the CA as key buildings of interest. By virtue of their age, association with a previous railway, largely unaltered form and visual presence from the open space opposite, Nos 4 to 8 represent non-designated heritage assets.
7. The site is identified as an important green space on the CA plan. It is at the end of the road, adjacent to a public footpath at an entrance into the wooded valley and near to open grassed areas. Therefore, it is visible from a wide area and makes a positive contribution to the quality of the environment, notwithstanding the lack of architectural interest of the existing garage.
8. The proposal would replace a smaller building and so it would reduce the site's openness. As such, it would detract from its vegetated surroundings and it would diminish views that contribute to the CA's character. Also, the house would be set at right angles to Nos 4 to 8 and so would be at odds with the established linear pattern of dwellings along the road. It would be of a simple design in keeping with the nearby residences and would contain more features of interest than the garage. However, the proposal would detract from views of Nos 4 to 8 due to its different orientation and position outside the existing row.
9. The proposal would not affect the setting of listed buildings on Church Street as it would be on a lower level and not seen with these properties. However, for the reasons set out above, I conclude the development would not preserve or enhance the character and appearance of the CA and would adversely affect the setting and significance of non-designated heritage assets, Nos 4 to 8.
10. The proposal would affect only part of the CA and so would cause less than substantial harm. It therefore follows to consider any public benefits of the development against the adverse effects on the CA, having regard to the impact on Nos 4 to 8.
11. The proposal would add to the housing stock and create employment during construction. Also, the site is located close to facilities and so future occupiers would support local businesses. However, the public benefits would be modest as the scheme is for a single new dwelling. Great weight should be attached to

the conservation of heritage assets and so I find the benefits would not outweigh the adverse effects on the CA or Nos 4 to 8.

12. For the above reasons, I conclude the proposal would not accord with LP policy EN10. Amongst other things, this resists harm to the significance of heritage assets unless justified in light of the public benefits of the proposal.

Other matters

13. The scheme would include sufficient space for car and cycle parking. A new vehicular access would slightly reduce roadside parking space but alternative facilities in the locality would remain. Also, the proposal would provide satisfactory accommodation for future occupiers. Acceptability in these respects is a neutral factor that fails to override or address the harm that would be caused by the development.
14. I note the appellant has previously received awards for works to historic buildings as well as his concerns over the Council's handling of the planning application. However, such factors are of no relevance in the assessment of the acceptability of the appeal development.

Conclusion

15. For the above reasons, I conclude that the appeal should be dismissed.

Jonathan Edwards

INSPECTOR